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ATTORNEY FOR DEFENDANT,
FREDDY RAFAEL ALVARADO, A/K/A "SCOOP"

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
vs.	:	NO. 3:07-CR-128
	:	
FREDDY RAFAEL ALVARADO,	:	(Munley, J.)
A/K/A "SCOOP", et al.	:	
	:	
Defendant	:	<i>[Electronically Filed]</i>

**MOTION FOR DISCOVERY
PURSUANT TO F.R.C.P. RULE 16**

AND NOW, comes the Defendant, FREDDY RAFAEL ALVARADO, by and through his attorney, ENID W. HARRIS, ESQUIRE, and Moves for the discovery, inspection and disclosure of evidence pursuant to F.R.C.P. Rule 16 as follows:

1. **Statement(s) of Defendant, Freddy Rafael Alvarado.** This request includes any relevant written or recorded statements made by Freddy Rafael Alvarado or copies thereof, within the possession, custody or control of the Government, the existence of which is known or, by the exercise of due diligence may become known, to the attorney for the Government, including, but not limited to,

statements allegedly made by Freddy Rafael Alvarado to cooperating witnesses, confidential informants, Eric Jones a/k/a “Jonesy”, Shamar Anthony Taffe a/k/a “Showtime”, Miguel A. Abreu a/k/a “Rico”, Stephen Lundy a/k/a “Grimes”, Kevon(ne) Cooper a/k/a “Trigger”, the alleged victim, Linda Sofia, Erica (a/k/a Erika, a/k/a “E”) Vega, Julia Caustrita, Devonne Cooper, Juanita Lundy, Steven Jones, Quiana Jones a/k/a “Pressure”, Brian Cooper, D.A. David Christine, ADA Jeremy Bolles, SA Kevin Wevodau, Officer Matthew Nero, Detectives Lucas Bray, Robson, Bohrman, Luthcke, Lenning, Wagner, Officers Steven Mertz, Meca Dunlap, Michaels, Posluseny, Sherenko, Larue and Sciarillo, Lt. Lewis, Matthew Salcedo a/k/a “Blaze”, Cesar Alvarado a/k/a “Say”, Dillon Cooper, Troy Glover, Patricia Peterson, George Jones, “Mary Poppins” a/k/a “Queen Princess Shiba” a/k/a Jennifer, “Ran Low”, “1,000” a/k/a “Bisheem”, “Muk”, and including disclosure to the Defendant of the substance of any other relevant oral statement made by the Defendant, whether before or after arrest, in response to interrogation by any person then known by the Defendant to be a Government agent if the Government intends to use that statement at trial.

2. **Defendant’s Prior Record.** Defendant requests a copy of Defendant’s Prior Criminal Record, if any, in the possession, custody or control of the Government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the Government.

3. **Documents and Tangible Objects.** The Defendant requests that the Government permit the Defendant to inspect and copy or photograph books, papers, documents, photographs, vehicles, audio tapes, tapes of Court-ordered or consensual wire taps of telephones (including telephones at the Monroe

County Prison), pictures¹, guns or other firearms, videotape surveillance, currency, tangible objects, buildings or places, or copies or portions thereof, clothing of the alleged victim, and any projectiles or casings recovered from firearms allegedly used by the Defendant which are within the possession, custody or control of the Government, and which are material to the preparation of the Defendant's defense or are intended for use by the Government as evidence in chief at the trial, or were obtained from or belong to the Defendant, Freddy Rafael Alvarado, including any and all co-conspirators/co-Defendants of Freddy Rafael Alvarado, including Eric Jones a/k/a "Jonesy", Shamar Anthony Taffe a/k/a "Showtime", Miguel A. Abreu a/k/a "Rico", Stephen Lundy a/k/a "Grimes", Kevon(ne) Cooper a/k/a "Trigger", the alleged victim, Linda Sofia, Erica (a/k/a Erika, a/k/a "E") Vega, Julia Caustrita, Devonne Cooper, Juanita Lundy, Steven Jones, Qiara Jones a/k/a "Pressure", Brian Cooper, D.A. David Christine, ADA Jeremy Bolles, SA Kevin Wevodau, Officer Matthew Nero, Detectives Lucas Bray, Robson, Bohrman, Luthcke, Lenning, Wagner, Officers Steven Mertz, Meca Dunlap, Michaels, Posluseny, Sherenko, Larue and Sciarillo, Lt. Lewis, Matthew Salcedo a/k/a "Blaze", Cesar Alvarado a/k/a "Say", Dillon Cooper, Troy Glover, Patricia Peterson, George Jones, "Mary Poppins" a/k/a "Queen Princess Shiba" a/k/a Jennifer, "Ran Low", "1,000" a/k/a "Bisheem", "Muk". This request specifically includes the Affidavits of Probable Cause and the criminal complaints for all Pennsylvania prosecutions brought or arising out of the incident(s) of February 3, 2007 and the Affidavits of Probable Cause and the Lists of Items to be searched for and seized and all inventories of items seized for the following search warrants and/or searches: (1) February 3 - 4, 2007 search/seizure of items at the property of Eric Jones, 5207 Sundew Terrace and Jones' vehicle;

¹Including pictures shown to the alleged victim and/or witnesses and including photographs of items seized from any of the defendants or during the search of any vehicle, premises, person or location (e.g., the parking lot of the Lopsided Inn).

(2) the clothing of each defendant and their telephones.

4. **Reports of Examinations and Tests.** Defendant requests that the Government permit the Defendant to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, including drug tests or gunshot residue tests on drugs or objects seized at any location or from any person, specifically any and all tests or reports indicating that any individual charged herein or any uncharged individual (including Erica Vega and the alleged victim) and including ion tests on currency at any location, or copies thereof, which are within the possession, custody or control of the Government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the Government, and which are material to the preparation of the defense or are intended for use by the Government as evidence in chief at trial, including all drugs, firearms, ammunition and other objects seized or received by the Government or its agents, any drug, alcohol or gunshot residue tests performed on the Defendant (Freddy Rafael Alvarado) or on any and all co-conspirators/co-Defendants of Freddy Rafael Alvarado, including Eric Jones, Shamar Anthony Taffe, Miguel A. Abreu, Stephen Lundy, Kevin Cooper, Devon Cooper, Erica Vega, the alleged victim, Steven Jones, Quiana Jones, Cesar Alvarado, “Mary Poppins” a/k/a Jennifer Troy Gover, “1000” a/k/a “Bisheem”, “Ran Low”, or “Muk”.

The Defendant requests all documents under Rule 16(a)(1)(C) which:

- a) Are material to the defense. *United States v. Lloyd*, 992 F.2d 348 (D.C. Cir. 1993) (government witnesses’ tax returns are discoverable and material);
- b) The Government intends to introduce in its case-in-chief. Under this section, the Defendant is entitled to perform independent drug tests on drugs, ion tests on currency,

and tests on notes and ledgers obtained from the Defendant, Freddy Rafael Alvarado, *United States v. Butler*, 988 F.2d 537 (5th Cir.), cert. denied, 114 S.Ct. 413 (1993);

- c) Defendant is entitled to originals of fingerprints and handwriting exemplars;
- d) Defendant is entitled to all line-up photos, photographic and reports stating results of such and the circumstances surrounding them in preparation for possible motions to suppress. *United States v. Taylor*, 707 F.Supp. 696, 705 (F.D. N.Y. 1989);
- e) Defendant is entitled to the results of handwriting, hair, fingernail, voice, etc., comparisons and the results of gunshot residue tests (including any photographs, medical records or reports purporting to depict or describe the injuries of the alleged victim);
- f) Defendant is entitled to samples of drugs, voice exemplars, ledgers and notes, or other materials on which to conduct his own tests. *United States v. Noel*, 708 F.Supp. 177 (W.D. Tenn. 1989);
- g) Defendant is entitled to all medical and hospital records, photographs and statements substantiating that the alleged victim suffered a “serious bodily injury” as defined by 18 U.S.C. §1365(h)(3): “(3) the term “serious bodily injury” means bodily injury which involves — (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty;” or a “bodily injury” and a defined by 18 U.S.D. §1365(h)(4): “(4) the term “bodily injury” means — (A) a cut, abrasion, bruise, burn, or disfigurement; (B) physical pain; (C) illness; (D) impairment of the function of a bodily member, organ or mental faculty; or (E) any other injury to the body, no matter how temporary.”

5. **Expert Witnesses.** The Defendant requests that the Government disclose a written summary of testimony that the Government intends to use under Rules 702, 703 or 705 of the Federal Rules of Evidence during its case-in-chief at trial. The summary provided shall describe the witnesses’ opinions, the bases and reasons for those opinions, and the witnesses’ qualifications.

6. **Co-Defendant and/or Co-Conspirator Statements.** The Defendant requests co-Defendant and/or Co-Conspirator statements (including any statements from Erica Vega), where the

Government does not intend to call the co-conspirator as a witness. F.R.E. 801(d)(2)(E). United States v. Diston, 612 F.2d 1035 (7th Cir. 1980); United States v. Percevault, 490 F.2d 126 (3rd Cir. 1974); United States v. McMillen, 489 F.2d 229 (7th Cir. 1992). It is also Defendant's position that statements of alleged co-conspirators are equivalent to statements of the Defendant and should be released as such pursuant to Rule 16(1)(A). United States v. Thevis, 83 F.R.D. 47 (M.D. Ga. 1979); United States v. Brighton Building & Maintenance Co., 235 F.Supp. 222 (N.D. Ill. 1964).

WHEREFORE, Defendant, Freddy Rafael Alvarado, respectfully requests discovery pursuant to Rule 16 of the Federal Rules of Criminal Procedure.

Respectfully submitted.

s/ Enid W. Harris
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	:	
Defendant	:	<i>[Electronically Filed]</i>

CERTIFICATE OF NON-CONCURRENCE

I, Enid W. Harris, Esquire, attorney for Defendant, Freddy Rafael Alvarado, do hereby certify that
I have sought concurrence in the filing of the within Motion from Assistant U.S. Attorney Christian Fisanick
and that he indicated that he does not concur on April 19, 2007

Respectfully submitted,

s/ Enid W. Harris
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CERTIFICATE OF SERVICE

The within Motion of Defendant, Freddy Rafael Alvarado, is being electronically filed on April 20, 2007. Accordingly, the undersigned is relying upon the Court's electronic computer filing system to e-mail said document to all counsel of record.

s/ Enid W. Harris
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